UNITED
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General Assembly
Security Council

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GENERAL

A/53/867
S/1999/298
19 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 19 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a declaration dated 19 March 1999 from Prime Minister Hun Sen of Cambodia on the issue of the trial of Ta Mok (see annex).

I should be very grateful if you would have the text of the present letter and of its annex circulated as a document of the fifty-third session of the General Assembly under agenda item 110.

(Signed) OUCH Borith
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative

Annex

DECLARATION OF PRIME MINISTER HUN SEN OF THE KINGDOM OF CAMBODIA ON THE ISSUE OF THE TRIAL OF TA MOK

(Phnom Penh, 19 March 1999)

Recently, there have been misleading interpretation that Cambodia will try only one Khmer Rouge leader – that is Ta Mok, while other leaders will be free from any charges by law. At the same time, some circles have said that the national court in Cambodia does not meet the level and standard of an international court.

Since the interpretations have brought about confused understanding on the issue, I wish to re-affirm as follows:

First, the arrest of Ta Mok, and the bringing of Ta Mok to the trial by law are neither new issue nor first trial of those responsible of the Khmer Rouge clique. We have proposed a formula for the trial of those leaders of the Pol Pot genocidal regime since before the actual arrest of Ta Mok. The existing national court will take up the responsibility to conduct research and judgement on the case of Ta Mok. As for other charges on other people aside from Ta Mok, it will be a unique jurisdiction of the court to make charges. I myself, as well as other people, have no rights whatsoever to charge this or that person, or to pre-determine how many people will stand trial. I myself never provide guarantee to anyone to be free from the charges issued by the court of law.

Second, if there were the understanding that the existing national court of Cambodia did not meet the international standard, the Royal Government of Cambodia welcomes assistance, including legal experts, from various countries to be able to assist the court of Cambodia in order to try the Khmer Rouge leaders in accordance with the international standard for the sake of justice for all the victims.

Taking this opportunity, I wish to re-affirm that seeking justice for the people of Cambodia should be conducted in a strict manner by the existing national court of Cambodia, while safeguarding independence, sovereignty, peace and national reconciliation.

UNITED NATIONS **S**

Security Council

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S/1999/299
19 March 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 19 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the following statement by the Presidency of the European Union on Burundi: Arusha peace process, issued on 19 March 1999 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Dieter KASTRUP
Permanent Representative of Germany
to the United Nations

99-07864 (E) 220399 220399

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Annex

[Original: English and French]

Statement on Burundi: Arusha peace process, issued on 19 March 1999 by the Presidency of the European Union

The European Union welcomes the continuing talks within the Arusha peace process, intended to find a peaceful solution to the conflict within Burundi. The European Union considers this process an essential option for reaching agreement. It has taken note of the resolve of the Government of Burundi, declared on several occasions, to conclude negotiations successfully in 1999. The European Union encourages all parties to contribute constructively to this goal and stresses that agreement must be based on their willingness to accept compromise.

Regional States, by suspending their embargo against Burundi in January 1999, signalled their support for the talks.

Nevertheless, the European Union is deeply concerned about reports of continuing violence by rebel groups and the security forces, causing numerous civilian victims. It appeals urgently to both sides to cease their acts of violence immediately.

Several European Union member States and the European Commission are providing financial support to the peace process. After nine months of negotiations, the European Union urges the parties to organize the talks in a way that will help to achieve the desired result as soon as possible. On such a basis, the European Union member States and the European Commission are willing to consider favourably further financial support and appeal to other donors to act likewise.

The European Union is providing substantial support to Burundi. In response to positive political steps and in order to promote development in Burundi, the European Union has expressed its willingness to provide assistance, in a more long-term manner, to socio-economic rehabilitation and reconstruction. The European Union emphasizes that such support is linked to a successful pursuance and accomplishment of the peace process.

The Central and Eastern European countries associated with the European Union, the associated country Cyprus and the European Free Trade Association countries members of the European Economic Area align themselves with this statement.

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19 March 1999

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GENERAL ASSEMBLY
Fifty-fourth session
Item 161 of the preliminary list*
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 16 March 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to refer to the letter dated 12 February 1999 addressed to you by the Permanent Representative of Lebanon to the United Nations (A/53/831-S/1999/158). This letter marks the latest attempt by the Representative of Lebanon to mislead Member States and, most important, to divert attention from Lebanon's direct responsibility for the volatile situation in southern Lebanon.

Lebanon continues to allow and even encourage Hezbollah and other terrorist organizations to use Lebanese territory for their declared jihad against Israel. Lebanon also refuses to negotiate a peaceful resolution to the problem. Moreover, the Lebanese Government refuses to disarm these groups. This is contrary to international law and the Charter of the United Nations. For these reasons, Lebanon bears the sole burden of responsibility for the continued conflict. Lebanon cannot engage in international terrorism with impunity.

It should be noted that the aims of the Iranian-backed terrorist group that Lebanon endorses have again been clarified: Hezbollah's leader, Sheikh Hassan Nasrallah, announced recently that "Palestine is occupied territory and the Israeli presence there is an occupation entity and illegal. There is no end to the struggle with such a regime" (Joumhouri Islami, 6 March 1999). In other words, when Lebanese leaders praise the "jihad" and "resistance" of Hezbollah, as Lebanon's Prime Minister recently did (Voice of Lebanon, 16 February 1999), it should be understood that they are lending their support to a campaign meant to continue until Israel does not exist.

Lebanon refuses to negotiate with Israel on implementing Security Council resolution 425 (1978), despite Israel's continuing invitations to do so.

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* A/54/50.

Lebanon's Prime Minister reiterated this point on 14 March in a radio interview: "We are not at all ready to discuss with Israel any security arrangements or granting any guarantees" (Sawt al-Arab, 14 March 1999). Hezbollah, which has been given free reign by the Lebanese Government, is even more explicit about its disdain for any diplomatic option: "Only resistance will ensure the return of our land, not resolution 425 (1978), nor the Security Council or the international community" (statement by Hezbollah's Sheikh Nasrallah, The Jerusalem Post, 5 January 1999). Israel, therefore, is left with no option other than to defend itself in accordance with its rights under international law.

Israel has repeatedly expressed its willingness to implement resolution 425 (1978) in its entirety. Resolution 425 (1978) not only calls for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the effective authority of the Lebanese Government in the area. The declared willingness of the Lebanese Government to allow terrorist activities from its territory against a neighbouring country is totally incompatible with the last two provisions of the resolution. Israel calls upon the Government of Lebanon to cooperate with Israel in order to restore peace and security along our common border. Until that time, Israel reserves the right to act in its own self-defence in accordance with international law.

I should be grateful if you will have the present letter circulated as a document of the General Assembly, under item 161 of the preliminary list, and of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/301
20 March 1999

ORIGINAL: ENGLISH

LETTER DATED 20 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a statement by the Federal Government of the Federal Republic of Yugoslavia of 19 March 1999 relative to the proceedings and results of the meetings on Kosovo and Metohija held in France.

I would be very grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-07885 (E) 200399

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Annex

Statement by the Federal Government

The Federal Government at its meeting today, chaired by Prime Minister Momir Bulatovic, reviewed the proceedings and the results of the meetings on Kosovo and Metohija held in Rambouillet and Paris, as well as the statement made by the two Co-Chairmen. The Federal Government noted that further negotiations had been postponed. At the same time, some international representatives are calling into question the diplomatic means and have intensified fresh military threats against our country, which is reprehensible.

The Federal Government noted that the Rambouillet talks had not brought about political agreement. This was confirmed in the statements of the Co-Chairmen, and on the basis of that assessment they suggested that the negotiations be continued. There were no talks in Paris. As a result, no agreement could have been reached. The text signed by some representatives of Kosovo and Metohija Albanians is not the Agreement of Rambouillet, but the text published before all the meetings.

The delegation of the Republic of Serbia cannot be blamed for the failure of the talks. By accepting the 10 principles established by the Contact Group, it demonstrated its firm determination to achieve a political agreement.

The Federal Government urges that the initiated talks be resumed and that all the participants in these talks apply good will to bring the text of the political agreement, in all its segments, in line with the Contact Group's 10 principles.

The Federal Government fully supports the position of our multi-ethnic delegation not to accept those provisions of the political agreement bringing into question equality of national communities and giving Kosovo and Metohija the status of a third federal unit or the status of an independent State. The Federal Government points out that no one has the right to force Serbia and the Federal Republic of Yugoslavia to sign such a document.

The Federal Government also supports the orientation of the delegation designated by the Republic of Serbia to first reach a political agreement and then to talk about its implementation. A political agreement whereby representatives of the political parties of Kosovo and Metohija Albanians will accept autonomy and express respect for the territorial integrity and unity of the Republic of Serbia will be the best proof that they have given up the project of destroying the State whose full-fledged citizens they are. Upon signing the political agreement, representatives of the political parties of Albanians could participate in the talks on its implementation, but only with members of the delegation of the Republic of Serbia.

The Federal Government has been informed about the unilateral decision of the Organization for Security and Cooperation in Europe (OSCE) Chairman-in-Office to withdraw the members of the Kosovo Verification Mission and noted that the Republic of Serbia and the Federal Republic of Yugoslavia have given no

cause for making such a decision. The Federal Government reserves the right to draw appropriate conclusions from this unilateral and counter-productive act.

The Federal Government condemns in the strongest terms the build-up of foreign troops on the border of the Federal Republic of Yugoslavia, as well as public threats of North Atlantic Treaty Organization (NATO) aggression against our country, which directly undermine the process of political settlement in Kosovo and Metohija, represent support to separatism and terrorism, violate the fundamental principles enshrined in the Charter of the United Nations and the OSCE Helsinki Final Act and threaten the very foundations of the international legal order. This, at the same time, could pose a threat to peace and security in the wider region of South-eastern Europe and sets a dangerous precedent in international relations.

All those threatening to use force against our country must face the responsibility for the consequences of humanitarian problems that might arise as a result of the use of such force.

Therefore, the Federal Government reiterates its call on the Security Council and the OSCE Permanent Council to take necessary steps to rule out force and the military threat against the Federal Republic of Yugoslavia, as an independent, sovereign and peace-loving country and a State Member of these organizations, and to uphold a peaceful political settlement in Kosovo and Metohija.

Belgrade, 19 March 1999

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/302
21 March 1999

ORIGINAL: ENGLISH

LETTER DATED 20 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, the Agreement for Self-Government in Kosmet (Kosovo and Metohija, the province of the Yugoslav constituent Republic of Serbia) that was signed by the delegation of the Government of the Republic of Serbia in Paris on 18 March 1999 (annex I), the statement of the Government of the Republic of Serbia of 19 March 1999 (annex II) and the statement by Milan Milutinovic, President of the Republic of Serbia of 18 March 1999 (annex III).

I would be very grateful if you would have this letter and its annexes circulated as documents of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-07891 (E) 220399

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Annex I

The following text of the Agreement on Self-Government of Kosmet was signed in Paris on Thursday March 18, 1999, by the representatives of seven ethnic communities living in Kosovo and Metohija - Serbs, Montenegrins, Albanians, Moslems, Turks, Roma and Egyptians as well as the representatives of the government of Serbia and the Government of the FR of Yugoslavia.

AGREEMENT FOR SELF-GOVERNMENT IN KOSMET

The Signatories to the present Agreement,

Convinced of the need for a peaceful and political solution in Kosmet as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosmet,

Reaffirming their commitment to the Purposes and Principles of the United Nations as well as to the OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London of January 29, 1999,

Recognizing the need for democratic self-government in Kosmet, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosmet, as well as the rights of the members of all national communities,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

FRAMEWORK

Article I: Principles

1. All citizens in Kosmet shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosmet, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosmet.

3. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosmet shall have the right to democratic self-government through normative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosmet. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosmet may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Signatories accept that they will act only within their powers and responsibilities in Kosmet as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosmet

shall have all rights and powers set forth herein, including in particular as specified in the Basic Act at Chapter 1.

7. The Signatories agree to cooperate fully with all international organizations working in Kosmet on the implementation of this Agreement.

Article II. Confidence Building Measures

End of Use of Force

1) Use of force in Kosmet shall cease immediately.

2) The status of police and security forces in Kosmet, shall be governed by the terms of this Agreement. Paramilitary and irregular forces in Kosmet are incompatible with the terms of this Agreement.

Return

3) The Signatories recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents under the condition that they are the citizens of the FRY. The Signatories shall take all measures necessary to readmit returning persons to Kosmet.

4) The Signatories shall cooperate fully with all efforts by the United Nations High Commissioner for Refuges (UNHCR) and other international and non-governmental organizations acting under auspices of the UNHCR concerning the repatriation and return of persons, including those organizations' monitoring of the treatment of persons following their return.

Access for International Assistance

5) There shall be no impediments to the normal flow of the goods into Kosmet including materials for the reconstruction of homes and structures.

6) All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosmet population for purposes of international assistance. All persons in Kosmet shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other Issues

7) The Federal Republic of Yugoslavia shall provide all necessary facilities including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosmet.

8) All abducted persons or other persons held without charge shall be released. The Signatories shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

9. All Signatories shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Signatories shall cooperate fully with the ICRC and the International Commission on Missing persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

10. Each Signatory:

(a) shall not prosecute anyone for crimes related to the conflict in Kosmet, except for persons accused of crimes against humanity and international law. The Signatories shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosmet. This amnesty shall not apply to those properly convicted of committing crimes against humanity and international law at a fair and open trial conducted pursuant to international standards.

Independent media

11. Recognizig the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosmet, the parties shall insure the widest possible press freedoms in Kosmet in all media, public and private, including print, television, radio and internet.

Chapter 1

Basic Act

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosmet are necessary for the harmonious development of a peaceful society,

Desiring through this Basic Act to establish institutions of democratic self-government in Kosmet grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosmet should fairly represent the national communities in Kosmet and foster the exercise of their rights and those of their members,

Recalling and **endorsing** the principles/ basic elements adopted by the Contact group at its ministerial meeting in London on January 29, 1999.

Article I: Principles of Democratic Self-Government in Kosovo

1. Recognizing multi-ethnic character of Kosmet, substantial self-government shall be based on self-government of citizens in Kosmet and self-government of national communities in Kosmet.

2. Respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and of the Republic of Serbia, substantial self-government in Kosmet shall be based on broadest powers and rights of Kosmet organs and national communities in Kosmet. However, federal organs and organs of the Republic of Serbia shall also exercise their powers and rights in Kosmet.

3. All federal laws shall be valid and implemented, in accordance with the Constitution of the FRY, in the entire territory of the FRY, including the territory of Kosmet.

4. All republican laws enacted in accordance with the Constitution of the Republic of Serbia, whose validity and implementation are possible in line with personal principle, shall be valid and implemented in Kosmet for those physical and legal persons who chose to have these regulations implemented in their case or those laws shall be valid and implemented in the institutions, services and organizations founded by the Republic of Serbia, or whose functioning it regulated or whose work it finances (for example the laws in the field of education, science, culture, health-care, marital and family relations, adoption, tutorship, child and youth care, veterans' and disabled persons' protection, heritage, labour relations, social protection, social insurance and other).

In the fields listed above, the Assembly of Kosmet shall enact its regulations with legal force which shall be valid and implemented for those physical and legal persons in Kosmet who opt for them. They shall also be valid and implemented in the institutions, services and organizations founded by Kosmet, or whose work it regulated or finances.

5. In the fields in which validity and implementation of republican laws are not possible along the personal principle, the Assembly of Kosmet shall enact its regulations with legal effect which will be valid for all physical and legal persons in Kosmet. However, decision-making within each national community shall ensure protection from discrimination or endangering on the basis of nationality (for example, agriculture, environment, protection of plants and animals, hunting and fishing, use and management of land, public information, urban planning and construction, organization and work of the organs of Kosmet, public services of importance for Kosmet and other fields).

6. Each national community may enact separate rules for its members, in order to protect their specific national characteristics, subject to their approval (for example in the field of matrimonial and family relations, adoption, tutorship and heritage).

7. Federal laws, in the entire territory of the FRY, including in Kosmet, in accordance with the Constitution of the FRY, shall be directly enforced by the federal organs through their regional organs (they shall enact enforcement regulations, individual legal acts and carry out administration control and inspection duties).

8. Republican laws, which on the basis of personal principle, are valid and implemented in Kosmet, shall be enforced, as in the entire territory of the Republic of Serbia, including in Kosmet, by republican organs (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

9. Provincial regulations with legal effect implemented on the basis of personal principle, as well as provincial regulations with legal effect which are valid and implemented for all physical and legal persons in Kosmet, shall be enforced by the organs of Kosmet (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

10. Individual regulations of national communities shall be enforced by the organs of that national community.

11. Kosmet shall govern itself democratically through the normative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosmet shall exercise their authorities consistent with the terms of this Agreement.

12. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

13. The basic territorial unit of local self-government in Kosmet shall be the commune. All responsibilities in Kosmet not expressly assigned elsewhere shall be the responsibility of the communes.

14. To preserve and promote democratic self-government in Kosmet, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political activities shall not be a bar to holding office in Kosmet.

Article II: The Assembly

1. Kosmet shall have an Assembly which shall comprise 130 members. Ninety-five members shall be elected directly by citizens, through the system of proportionate representation. Kosmet shall be one electoral unit and thirty-five shall be elected by the national communities of Albanians, Serbs, Turks, Romanies, Egyptians, Goranies and Muslims, five members each.

The Assembly of Kosmet shall make decisions from its competencies by majority vote of those present and voting, unless otherwise stipulated by this Basic Act.

When the Assembly of Kosovo enacts regulations which are valid and implemented in relation to all physical and legal persons in Kosmet (when no option exists for the regulations of the Republic of Serbia), such regulations shall be enacted by majority vote of those members present and voting. At least three members from the same national community, elected by the national community, may in relation to the proposed regulation initiate a separate procedure for the protection of their vital national interests in the following cases:

- regarding the election of organs of Kosmet and equal representation of all national communities in them;
- regarding resettlement of population;
- regarding impediments to the exercise of rights;
- regarding endangering security;
- regarding worsening of conditions of life;
- regarding the adoption of the Kosmet budget.

In a separate proceeding managed by the President of the Assembly of Kosmet, together with the Vice-Presidents of the Assembly of Kosmet, those proposing the regulations and the representatives of national communities elected by the national community, shall endeavor to eliminate the causes affecting vital national interests. Those taking part in this proceeding have to take account equally of the protection of general interests and vital national interests.

Should this procedure prove to be unsuccessful (within 30 days of its initiation) and the regulation is not enacted, a proposal for its adoption may again be placed on the agenda of the Assembly of Kosmet, if at least six months have elapsed since it was asserted that the causes affecting vital national interests have not been eliminated.

2. The Assembly of Kosmet shall elect President and 6 Vice-Presidents, at least one from each national community, at the proposal of the members elected by national communities, for a four-year term. No one shall be elected as President or Vice-Presidents of the Assembly of Kosmet for more than two terms.

The President and Vice-Presidents shall decide among themselves who will exercise which competency of the President of the Assembly of Kosmet.

The President of the Assembly promulgates the regulations enacted by the Assembly of Kosmet, represents the Assembly of Kosmet, proposes agenda for the meetings of the Assembly of Kosmet and chairs

its meetings, holds regular meetings with the President of the National Assembly of Serbia and Presidents of the Chambers of the Federal Assembly, maintains contacts with the organs of national communities, proposes candidates for the President of the Council of Minister, proposes candidates for judges of courts in Kosmet and performs other duties set forth in the Basic Act and other regulations.

Powers of the Assembly

3. The Assembly shall be responsible for enacting decisions and regulations with legal force of Kosmet, including in political, economic, social, educational, scientific and cultural areas as set out bellow and elsewhere in this Agreement.

a) The Assembly shall be responsible for:

(i) Financing activities of Kosmet institutions, including by levying taxes and duties on sources within Kosmet;

(ii) Adopting of budgets of the Administrative organs and other institutions of Kosmet, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative organs of Kosmet;

(iv) Approving the list of Ministers of the Council of Ministers, including the Prime Minister;

(v) Coordinating educational arrangements in Kosmet, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Assembly of Kosmet;

(vii) Establishing a framework for local self-government;

(viii) Enacting regulations concerning inter-communal issues and relations between national communities when necessary;

(ix) Enacting regulations regulating the work of medical institutions and hospitals;

(x) Protecting the environment, where intercommunal issues are involved;

(xi) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xii) Adopting programs for the development of agriculture and of rural areas; (xiii) Regulating elections;

(xiv) Regulating Kosmet-owned property; and

(xv) Regulating land registries.

(b) The Assembly shall also have authority to enact decisions and regulations with force of law in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes on the basis of the agreement of these communes. In the absence of decisions enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Article III: Council of Ministers and Administrative organs

The Council of Ministers shall perform executive functions. It shall be responsible for the enforcement of the regulations of Kosmet and shall make proposals for their adoption to the Assembly of Kosmet.

The Council of Ministers shall be composed of the President and Ministers. The candidate for the President of the Council of Ministers shall be proposed by the President of the Assembly of Kosmet. The candidate for the President of the Council of Ministers shall make a list of candidates for Ministers making sure that each national community is represented with at least one candidate and shall submit it to the Assembly for adoption. The President of the Council of Ministers cannot be from the same national community as the President of the Assembly of Kosmet. The Council of Ministers shall be elected when it receives majority of the total number of the members of the Assembly of Kosmet, i.e. when it receives majority by representatives of each individual national community.

Administrative Organs shall be responsible for assisting the Council of Ministers in carrying out its duties.

The administration organs of Kosmet shall be responsible for direct implementation of laws and decision-making in administration matters. Public officials working in the administration organs shall be fairly representative of each national community.

Article IV: Courts and enforcement

1. The functions of the courts in Kosmet shall be performed by the courts of the Republic of Serbia, Kosmet courts and the courts of national communities.

The courts in Kosmet, except the courts of national communities, shall implement the federal and republican laws, and provincial decisions and regulations with legal force.

2. Citizens and legal persons in Kosmet shall have the right to choose the court which will try their case. Any citizen and legal person in Kosmet may, at the start of court proceedings (litigation, out-of-court proceedings and criminal) as a plaintiff, petitioner or accused, choose to be tried either by the Court of the Republic of Serbia or Kosmet court.

If other participants in the proceedings (defendant or the wronged party) are not members of the same national community as plaintiff or the defendant, they may request that the members of the panel be chosen from their national community. They are also entitled to other rights in the proceedings, specified by the laws on proceedings.

The courts of national communities may be established by those national communities which established the separate rules for the settlement of disputes among the members of that national community, who accepted those rules and who agreed to the competencies of these courts.

3. The Kosmet courts shall be established, organized and their judges and jurors elected by the Assembly of Kosmet. The Kosmet courts shall be established as first instance, second instance and the High Court of Kosmet.

The High Court of Kosmet, in addition to the competencies related to trials according to regular and extraordinary legal means, in a separate permanent council composed of five judges, shall ensure that all regulations enacted by the organs of Kosmet are in line with the Basic Act of Kosmet, as well as that other regulations and general acts of organs of Kosmet are in line with the regulations with legal force enacted by the Assembly of Kosmet. In exercising this authority, this council may revoke any regulation or general act of the organs of Kosmet.

All regulations and general acts of Kosmet enacted from the competencies of the federal and republican organs set forth in the Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia, shall be null and void. The federal and republican laws and other general acts of the federal and republican organs enacted in the fields in which Kosmet enacts regulations with legal force, implemented for all citizens and legal persons in Kosmet, shall be null and void.

4. The function of the Public Prosecutor in Kosmet shall be performed by the Federal, Republican and Kosmet Public Prosecutor. The Federal and republican prosecutor shall act before the republican and Kosmet courts, whereas the Kosmet prosecutor shall act before the Kosmet courts. The establishment, organization and competencies of Kosmet Public Prosecutor shall be specified by the regulation adopted by the Assembly of Kosmet.

5. A citizen in Kosmet who, by legally effective and enforceable ruling of the Court of the Republic of Serbia or the Kosmet court, is sentenced to an unconditional prison term in a prison set up by the Republic of Serbia according to enforcement regulations of the Republic of Serbia, if he is convicted by the republican court in the prison set up by the Assembly of Kosmet and according to enforcement regulations enacted by it, if he is sentenced by the Kosmet court.

Local Police

6. In the communes in Kosmet, local police may be established as an organ performing certain police duties in the territory of a commune.

Heads and chiefs of departments of local police shall be appointed by an organ of communal government in charge of internal affairs with the approval of all national communities living in that commune.

Local police shall be representative of the national composition of the residents of the commune.

In communes with mixed population, local police departments shall be set up comprising police officers, members of the same national community. These departments shall carry out the tasks of local police in relation to members of the same national community.

In relation to members of different national communities, the duties of local police shall be jointly performed by local police officers from each department of local police.

7. Local police shall be responsible for preventing smaller violations of public order, investigation and other functions of police related to offences, traffic and patrol activities, fire protection, safety of traffic in local roads, prevention and suppression of offences, recording and controlling residence of citizens, establishment

of a unique identification number and issuance of identity cards.

Other duties of police (State security, aliens, borders, serious criminal acts, arms, ammunition, explosives and other hazardous substances, traffic in regional main roads, passports, etc) in the communes where local police has been set up and all police duties in the communes where local police has not been set up, shall be performed by the state police. In larger places with mixed population traffic and patrol duties, in addition to local police, shall be performed by the State police, comprising police officers of different nationalities.

Relations between local and state police shall be based on mutual cooperation and they shall provide information to each other on all issues of importance to the performance of their duties.

8. The members of local police may use, as means of coercion, guns, rubber truncheons, handcuffs and passenger transport vehicles as well as appropriate communications means.

Local police shall be trained in appropriate police schools and its members shall be specifically trained to perform police duties in areas with mixed population.

The commune where local police has been established shall set up a commission to oversee its work. It will be composed of the representatives of all national communities living in the commune

Article V: Human Rights and Fundamental Freedoms

1. All authorities in Kosmet shall ensure internationally recognized human rights and fundamental freedoms in Kosmet.

2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Kosmet. Other internationally recognized human rights instruments enacted into its regulations by the Kosmet Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, government institutions, and other public institutions of Kosmet or operating in relation to Kosmet shall conform to these human rights and fundamental freedoms

Article VI: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect through democratic means institutions to administer its affairs in Kosmet.

3. The additional rights of the national communities are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

- inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions.

- providing information in the language and alphabet of the national community.

- providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards.

- enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad.

- using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

- protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance, family, and matrimonial relations; tutorship; and adoption.

- the preservation of sites of religious, historical, or cultural importance to the national community, in cooperation with other authorities.

- operating religious institutions in cooperation with religious authorities; and

- participating in regional and international non-governmental organizations in accordance with procedures of these organizations.

- be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

- finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

- the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad.

- equal access to employment in public services at all levels.

- the right to use their languages and alphabets.

4. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republic, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

5. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VII: Communes

1. Communes shall be units of local self-government.

The Assembly of Kosmet may change the present borders of the existing communes only with their prior consent.

2. Each commune shall have an Assembly, Executive Board and administration authorities. The organs of commune shall be set up in accordance with the principles that the organs of Kosmet have been set up.

3. Through its organs, in accordance with the legal powers of the Assembly of Kosmet, a commune shall be responsible for:

- making development plans, town planning, budget and annual accounts
- regulating and ensuring and development of communal activities;
- regulating and ensuring the use of city construction land and business space;
- taking care of construction, maintenance and use of local roads and streets and other public facilities of communal importance;
- establishing organs, organizations and services for communal needs and regulating their work.

The Assembly of Kosmet may devolve some of the duties from its competencies to a certain commune and transfer the funds to it to carry out that work.

Article VIII: Representation

1. The citizens in Kosmet shall be represented by at least 10 representatives in the Chamber of Citizens of the Federal Assembly and at least 20 representatives in the National Assembly of the Republic of Serbia.

2. At least one citizen in Kosmet shall be elected to the Federal Government and to the Government of the Republic of Serbia.

3. At least one citizen in Kosmet shall be elected as judge of the Federal Court and three judges in the Supreme Court of Serbia.

Article IX: Amendment

1. The Assembly may by a majority of two-thirds of its members, which majority must include a majority of the Members elected by the national community, adopt amendments to this Basic Act.

Article X: Entry into force

This Basic Act shall enter into force upon entering into force of this Agreement.

CHAPTER 3

CONDUCT AND SUPERVISION OF ELECTIONS

Census and the first Parliamentary elections

1. The competent state authorities shall organize, together with the OSCE, as soon as possible, an objective and free census of the population in Kosmet. The census shall include information on places of residence, citizenship, nationality and other data relevant to the conduct of elections.

2. Free and fair elections for organs of Kosmet shall be held within nine months of the signing of the Agreement on Kosmet, under the supervision of OSCE.

3. The rules for the first elections for the Assembly of Kosmet, communal assemblies in Kosmet, harmonization of candidates on the basis of the OSCE electoral standards, shall be determined by the representatives of all national communities and all political parties in Kosmet.

CHAPTER 4

ECONOMIC ISSUES

Article I

1. The economy of Kosmet shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in the Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with the Agreement.

3. Certain revenue from Kosmet taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosmet shall enact appropriate non-discriminatory regulations for this purpose. The Communes may also levy local taxes in accordance with the Agreement.

4. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia which shall establish appropriate mechanisms to make such funds available to Kosmet authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosmet shall be managed and implemented by the appropriate Kosmet authority.

CHAPTER 6

THE OMBUDSMAN

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosmet. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Signatories may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of the Assembly of Kosmet and shall be elected by the Assembly

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have six Deputies. One deputy shall be elected from each national community.

The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's

mandate.

4. The Ombudsman and his or her deputies shall have immunity equal to the immunity of the members of the Assembly.

Article II: Jurisdiction

1. The Ombudsman shall consider:

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosmet, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosmet shall have the right to submit complaints to the Ombudsman. The Signatories agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosmet to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosmet institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Signatories undertake to ensure cooperation with the Ombudsman's investigations.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.

CHAPTER 8

AMENDMENT, COMPREHENSIVE ASSESSMENT, AND FINAL CLAUSES

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the Signatories, except as otherwise provided by Article X of Chapter 1.

2. Each Signatory may propose amendments at any time and will consider and consult with the other Signatories with regard to proposed amendments.

3. After three years, the signatories shall comprehensively review this Agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories.

Article II: Final Clauses

1. This Agreement is signed in the Albanian, English, Romany, Serbian and Turkish language.
2. This Agreement shall enter into forces after each signatory informs the other that it completed its internal procedure.

FOR
Republic of Serbia

Prof. Dr. Ratko Markovic

Vice-President of the Government of the
Republic of Serbia and

Head of the Delegation
of the Republic of Serbia

FOR
Federal Republic of Yugoslavia

Prof. Dr. Vladan Kutlesic
Vice-President of the Federal Government

FOR
Kosovo and Metohija

FOR
national community of Albanians

Sokolj Cuse
Democratic Reform Party of Albanians

Faik Jashari
Kosovo Democratic Initiative

FOR
national community of Serbs and Montenegrins

Vojislav Zivkovic

FOR
national community of Turks
Zeynelabidin Kureys
Guljbehar Sabovic

FOR
national community of Goranies
Ibro Valt

FOR
national community of Muslims

Refik Senadovic

FOR
national community of Romanies

Ljuan Koka

FOR
national community of Egyptians

Cerim Abazi

Annex II

SERBIAN GOVERNMENT ENDORSES THE STAND OF ITS DELEGATION TO THE PARIS TALKS

The Serbian Government held a session on Friday chaired by Prime Minister Mirko Marjanovic, at which it fully endorsed the stand of its delegation and of Serbian President Milan Milutinovic at the Paris talks on Serbia's Kosovo and Metohija province.

The state delegation has upheld the principles and norms of international law and defended duly and in a principled manner the legitimate interests of the state and all its citizens regardless of their ethnicity, the Information Ministry said in a statement.

However, the attempts to impose the US-ethnic Albanian agreement on separating a part of Serbia's and Yugoslavia's territory as a dictate constitutes an unprecedented violation of all international rules, the statement says.

It clearly and openly demonstrates the intention to create a State within a State with the help of foreign troops, paving the way for discrimination of the majority of ethnic communities and for ethnic cleansing of Kosovo and Metohija of its non-ethnic Albanian population, which would lead to a gradual secession of the province and dismembering of Serbia and Yugoslavia, the statement says.

The Serbian Government most strongly condemns the NATO threats of aggression, which constitute open support to separatism and terrorism and a violation of the basic principles of the UN Charter, the Helsinki Final Act and the very foundations of the international legal order, the statement says.

The NATO member-states are using their alleged concern with the movements of Yugoslav defense forces in their own land to draw the attention away from the concentration of their own troops and armaments in neighbouring states and thus cover up their aggressive plans for separating a part of Serbia's and Yugoslavia's territory, the statement says.

We cannot and will not allow this. We shall not give up even the smallest part of our territory or our sovereignty to anyone, the statement says.

The Serbian Government, its political leadership, all parliamentary parties and the entire people are determined to defend Kosovo and Metohija, the cradle and the heart of Serbia and the foundation of its statehood, the statement says.

Serbia's authority cannot be removed from Kosovo and Metohija, nor can the province be removed from Serbia. Serbia has always defended truth, principles, European and civilizational values. Serbia strongly rejects ultimatums and threats of aggression and remains steadfast in the defense of its legitimate national interests. Serbia will not allow discrimination, secession or occupation, the statement says.

Problems in Kosovo and Metohija can and must be resolved only by peaceful and political means. Serbia remains committed to dialogue and consultations aimed at finding a political settlement for autonomy and political self-rule in Kosovo and Metohija, providing guarantees of equality to all ethnic communities within the framework of Serbia's and Yugoslavia's sovereignty and territorial integrity, on the basis of the 10 principles set by the Contact Group and of the highest international standards regarding protection of human rights, and in line with the supreme laws of Serbia and Yugoslavia, the statement says.

A political agreement that should guarantee equality to all ethnic communities in Kosovo and Metohija can be reached only through dialogue among legitimate representatives of all ethnic communities and representatives of the sovereign state, the statement says.

Such a political agreement must be based on clear principles and provisions for self-rule, autonomy and equality, and can be implemented only by political means, the statement concludes.

Annex III

SERBIAN PRESIDENT MILUTINOVIC: A FAKE DOCUMENT WAS SIGNED

Serbian President Milan Milutinovic said on Thursday evening in Paris that the document signed by the ethnic Albanian delegation to the talks on Serbia's Kosovo and Metohija province was a fake document because it had never been discussed, agreed or signed by the Contact Group as a whole.

The ethnic Albanian delegation does not represent ethnic Albanians from Kosovo and Metohija, but parties of the ethnic Albanian separatist movement in the province, Milutinovic said at a press conference at the residence of the Yugoslav Ambassador in Paris.

They signed a document they had drawn up with their American friends even before Rambouillet, Milutinovic said.

That document was made public by the Pristina-based Albanian language daily "Koha Ditore" already on February 5, whereas the talks in Rambouillet started on February 7, Milutinovic noted.

Everything that happened here was a show and an attempt to mislead the world public, the President said.

The European countries and we have taken part in a game that was rigged in advance, Milutinovic told reporters.

After the ethnic Albanian delegation signed its own, fraudulent document, a US-Albanian document, the Serbian Government delegation speedily signed another document which is in line with the talks held in Rambouillet and is acceptable to us, Milutinovic said.

The document that the Serbian Government delegation has signed is in line with the principles set by the Contact Group and with all other principles which are not directly contrary to this country's sovereignty and territorial integrity and which do not jeopardize the equality of all ethnic communities, Milutinovic said.

This document comprises everything that was discussed on February 19 and 20 in Rambouillet, President Milutinovic said.

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Agenda item 72 (d)
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: REGIONAL CONFIDENCE-BUILDING MEASURES: ACTIVITIES OF THE UNITED NATIONS STANDING ADVISORY COMMITTEE ON SECURITY QUESTIONS IN CENTRAL AFRICA

SECURITY COUNCIL
Fifty-fourth year

Letter dated 9 March 1999 from the Permanent Representative of Cameroon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the heads of State and Government of the countries of Central Africa met in Yaoundé from 25 to 26 February 1999 in the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

At the conclusion of this summit conference, they created a mechanism for the prevention and settlement of conflicts in Central Africa and adopted a declaration on peace and security (see annexes).

I should be grateful if you would have the two attached texts, together with this letter, circulated as documents of the fifty-third session of the General Assembly under agenda item 72 (d), and of the Security Council.

(Signed) Martin BELINGA-EBOUTOU
Ambassador
Permanent Representative

ANNEX I

Decision on the creation of a mechanism for promotion, maintenance and consolidation of peace and security in Central Africa, adopted on 25 February 1999 by the heads of State and Government of the Central African countries

The Summit Conference of Heads of State and Government of the Central African countries,

Concerned by the multiplication and intensification of conflicts in the sub-region,

Reaffirming their commitment to peace and security, as guarantees of stability and prosperity,

Recalling the Non-Aggression Pact signed at Yaoundé on 8 July 1996,

Bearing in mind the need for all the States in the subregion of Central Africa to sign and ratify this Non-Aggression Pact in order to create the conditions for peaceful coexistence and confidence,

Bearing in mind also all the decisions taken and commitments made in the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa,

Reaffirming their commitment to the principle of the peaceful settlement of disputes established in the Charter of the United Nations and of the Organization of African Unity,

Wishing to further strengthen the ties of cooperation between the States of Central Africa, which are confronted by critical situations and risks of instability,

DECIDES:

Article 1

To create a mechanism for the promotion, maintenance and consolidation of peace and security in Central Africa, to be known as the Council for Peace and Security in Central Africa (COPAX).

Article 2

The aim of COPAX is the prevention, management and settlement of conflicts in Central Africa, together with other activities to promote, maintain and consolidate peace and security in the subregion.

Article 3

The Ministers for Foreign Affairs and of Defence/Armed Forces will meet in Yaoundé as soon as possible in order to draw up the draft terms of reference for the mechanism referred to in article 1 and propose them to the heads of State and Government of Central Africa during the summit meeting of the Economic Community of Central African States (ECCAS) to be held in Equatorial Guinea in April 1999. Cameroon will convene this ministerial meeting.

Done at Yaoundé on 25 February 1999 by the following heads of State and Government or their representatives:

For the Republic of Angola:

For the Republic of Burundi:
(Signed) Pierre BUYOYA
President of the Republic

For the Republic of Cameroon:
(Signed) Paul BIYA
President of the Republic

For the Central African Republic:
(Signed) Ange-Félix PATASSÉ
President of the Republic

For the Republic of the Congo:
(Signed) Denis SASSOU NGUESSO
President of the Republic

For the Democratic Republic of the Congo:
(Signed) Jean-Charles OKOTO
Minister for Foreign Affairs

For the Gabonese Republic:
(Signed) DIDJOB DIVUNGI DI NDINGE
Vice-President of the Republic

For the Republic of Equatorial Guinea:
(Signed) Angel-Seraphin SERICHE DOUGAN
Prime Minister

ANNEX II

Yaoundé Declaration on Peace, Security and Stability in Central Africa, adopted on 25 February 1999

1. At the invitation of His Excellency Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the heads of State and Government of Central Africa met in Yaoundé from 25 to 26 February 1999 to review the social and political situation in the subregion.

2. They reaffirmed their commitment to the fundamental principles set forth in the Charters of the United Nations and the Organization of African Unity, in particular:

- the sovereign equality of all States;
- non-interference in the internal affairs of States;
- respect for the sovereignty and territorial integrity of each State;
- the inviolability of boundaries inherited from the colonial period;
- the right to peace and security;
- respect for human rights, democracy and the rule of law.

3. They engaged in an in-depth exchange of views on the situation in the subregion. In that regard, they expressed deep concern over the persistence of and increase in tensions and in internal and inter-State armed conflicts which result in loss of human lives, displacement of populations, destruction of infrastructure and institutions, thereby impeding development efforts in Central Africa.

4. They also took note of the threats to stability and security posed by cross-border crime and by the trafficking in and illicit circulation and proliferation of weapons of war.

5. They explored ways and means of contributing to the prevention, containment and settlement of disputes and to the maintenance of peace, security and stability in Central Africa.

6. They reaffirmed their willingness to engage in dialogue and consultations and to show understanding and tolerance in order to settle disputes between peoples and to create a stable and safe environment that is conducive to development.

7. They charged the Committee's Bureau with the task of approaching the United Nations with a view to finalizing the agreement for the funding of military exercises and peacekeeping operations proposed for Central Africa by the Committee at its tenth special meeting.

8. They issued an urgent appeal to the States of the subregion to establish as a matter of urgency national follow-up committees as had been reiterated at the Committee's tenth ministerial meeting.

9. They also appealed to States to take all necessary measures to ensure that their parliaments enacted legislation to combat the proliferation of private armed militias.

10. They agreed to take joint action to establish and preserve peace and security, which was a prerequisite for the economic integration and development of the States of the subregion.

11. They also reaffirmed their commitment to the strengthening of security in the subregion by combating acts of destabilization against any member State.

12. They also stressed the urgent necessity for the Governments of the subregion to do everything in their power to reduce and if possible eliminate the causes of conflict within their societies in order to promote unity, peace, security and stability.

13. They expressed satisfaction at the framework for consultations which the United Nations Standing Advisory Committee on Security Questions in Central Africa afforded. They also expressed satisfaction at the work which had been accomplished within this framework and which had resulted in the signing of the Non-Aggression Pact currently in the process of being ratified, together with the design of a draft mutual assistance pact and a draft agreement on the terms of reference of the Council for Peace and Security in Central Africa (COPAX), as well as in discussions aimed at the establishment of other institutions for the promotion of peace and security.

14. They recognized that the achievement of lasting peace and development in Central Africa required the solidarity and full cooperation of all the countries of the subregion. To that end, they have decided to establish a body for the promotion, maintenance and consolidation of peace and security in Central Africa to be known as the Council for Peace and Security in Central Africa (COPAX).

15. They have instructed their Ministers for Foreign Affairs and of Defence/Armed Forces, the Interior and Security to meet as soon as possible to finalize the draft terms of reference of this new subregional institution. These terms of reference will be submitted for the approval of the heads of State and Government at the next summit meeting of the Economic Community of Central African States (ECCAS) to be held in Malabo in April 1999.

16. They endorsed the conclusions of the earlier ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa, including the meetings held in Libreville, Bata and Yaoundé in 1998, and requested that these conclusions should be taken into account in future meetings.

17. Deeply concerned at the persistence of tensions, conflicts and crises in Central Africa, they expressed their determination to promote respect for human rights and freedoms and for the establishment of the rule of law and of

democratic political systems that permit the full participation without exclusion of all sectors of society in the political life of each country.

18. Convinced that peace and development are inextricably linked, they stressed the need for the States of the subregion to pool all of their resources and efforts to improve the living conditions of their peoples and, in particular, of the most disadvantaged sectors of their societies. They also recognized that the debt burden borne by their countries was such that it impeded their efforts to achieve development. To this end, they appealed to their bilateral and multilateral partners so that an appropriate solution could be found to this intractable problem.

19. They declared that efforts to eliminate poverty must be one of the principal areas of concern of their countries if they are to achieve lasting peace. They strongly emphasized that the difficult economic situation of the countries of Central Africa was a factor of instability which threatened international peace and security and called upon the international community and, in particular, the international financial institutions to provide increased support for their economic recovery efforts.

20. They stressed the need for closer cooperation and exchanges of many kinds between their countries, in particular through the revitalization of regional economic integration programmes, in order to encourage more interaction among their peoples and to instil into their values a genuine culture of peace and dialogue.

21. They expressed deep concern over the continuing conflict in the Democratic Republic of the Congo which carries grave risks of destabilizing the entire subregion.

22. They further welcomed the progress made by the Government of the Democratic Republic of the Congo in seeking dialogue with all the political forces and in opening up the political arena in order to completely defuse existing tensions.

23. Recalling the Declaration issued by the Central African heads of State and Government at the conclusion of their meeting in Libreville on 24 September 1998, together with those from other international meetings such as the France-Africa summit meeting held in Paris, the Victoria Falls II regional summit meeting, the summit meeting of the Central Organ of the Organization of African Unity Mechanisms for Conflict Prevention, Management and Resolution held in Ougadougou, the Windhoek summit meeting and the Lusaka meetings, they appealed for a ceasefire in the Democratic Republic of the Congo, the immediate and unconditional withdrawal of hostile foreign forces, respect for sovereignty and the democratization process and the institution of dialogue between all the political forces.

24. They commended Chad for sending a military contingent to the Democratic Republic of the Congo and expressed their full support for that country.

25. Bearing in mind the spirit of the Libreville Declaration of 24 September 1998, and expressing their grave concern at the deteriorating situation in Angola and at the stalling of the peace process in that country,

they called on the National Union for the Total Independence of Angola (UNITA) to comply with the peace agreements, the Lusaka Protocol and the relevant Security Council resolutions.

26. They appealed urgently to all the parties to demonstrate a firm commitment to the peace process and to national reconstruction, bringing an end to the ongoing and appalling suffering of the Angolan people, particularly those who have been displaced.

27. Concerned about the worrying situation in Angola, they appealed urgently to the countries of the subregion and to the international community to provide all the necessary support to ensure the success of the peace process in that country.

28. They paid tribute to the memory of Alioune Blondin Beye, to the members of his team and to all the United Nations staff members that had died tragically in Angola for their invaluable contribution to the quest for peace in that country.

29. They acknowledged that the full implementation of the Bangui Agreements and the National Reconciliation Pact was vital to peace and national reconciliation in the Central African Republic. They welcomed the significant progress that had been made by the Government of the Central African Republic in implementing the Bangui Agreements and introducing major political and economic reforms.

30. They welcomed with satisfaction the Security Council's decision to include support for the holding of legislative elections on 22 November and 13 December 1998 in the mandate of the United Nations Mission in the Central African Republic (MINURCA).

31. Recalling the importance of the role of MINURCA in maintaining a climate of security and stability favourable to the strengthening of the national reconciliation process in the Central African Republic, they stressed that the activities of MINURCA should cease only when the electoral processes had been completed and sufficient progress had been made in effecting national reconciliation. They urged friendly countries to participate in that international force.

32. Stressing the need for constructive dialogue between all segments of the Burundian population, they welcomed the debate that was taking place inside the country and the current dialogue at Arusha between Burundians inside and outside the country.

33. Recalling the various appeals that had been made for the lifting of the embargo against Burundi, they warmly welcomed the decision that was taken on 23 January 1999 to suspend the embargo.

34. They expressed their concern at the ongoing border, land and maritime dispute between Cameroon and Nigeria. They reiterated the need for both countries to refrain from taking any action that could exacerbate the tension between them. They expressed support for efforts to secure a peaceful solution to the dispute through legal channels. They invited both parties to be bound by the protective measures laid down in the court ruling of 15 March 1996 and by

the imminent decision of the International Court of Justice concerning the substance of the case. Lastly, they appealed to the international community to help keep the peace between Cameroon and Nigeria, before, during and after the verdict of the International Court of Justice in The Hague, which currently had the matter of the border dispute before it.

35. They expressed their grave concern at the renewed outbreak of hostilities in the Congo following the perpetration of acts of destabilization by armed groups, causing huge losses of life and material damage and hindering the implementation of commitments undertaken by the authorities to take measures to promote national reconciliation, rebuild the country and relaunch the democratic process. They expressed their willingness to contribute to the establishment of real peace in the Congo, allowing the Congolese people to devote all their efforts to the realization of social and economic development.

36. They called on the current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa to take and oversee any initiative that might provide support for the re-establishment or consolidation of peace and for sustainable national reconciliation and reconstruction in the conflict-torn countries of the subregion.

37. They recognized that unusual and massive movements of populations, particularly in the aftermath of armed conflict in certain countries of the subregion, constituted a grave threat to domestic peace, and urged each Government to manage migratory flows more effectively and efficiently and to better control their borders.

38. They called on the United Nations High Commissioner for Refugees to take swift action, following the practice in other regions of the world, to support States faced with the problems of massive migrations as a result of armed conflict in Central Africa.

39. They appealed to the United Nations and the international community to assist in implementing the action programme of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

40. They welcomed the fact that the current summit meeting was being held just as the United Nations had completed its celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights and of peacekeeping operations. They further reiterated their deep attachment to the promotion of human rights, democracy, the rule of law and prosperity in Central Africa.

41. Lastly, they reaffirmed their support for the United Nations and its Secretary-General, and urged that the ceaseless efforts of the Organization to promote, maintain and consolidate peace and security in Africa in general and in the subregion of Central Africa in particular should be intensified and based on increased consensus-building with the countries and regional bodies concerned.

42. They expressed their gratitude to President Paul Biya of the Republic of Cameroon, and to the Cameroonian Government and people for their warm reception and outstanding hospitality.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/304
22 March 1999

ORIGINAL: ENGLISH

LETTER DATED 22 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached document which Haile Weldensae, Minister of Foreign Affairs of the State of Eritrea, presented as a briefing statement to members of the Security Council this morning, 22 March 1999, under the "Arria Formula" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-07997 (E) 230399

/...

Annex

Statement made on 22 March 1999 by the Minister for Foreign Affairs of Eritrea to members of the Security Council on the conflict between Eritrea and Ethiopia under the Arria Formula

It is indeed an honour for me to be given the opportunity to brief the Council on the border conflict between my country and Ethiopia which has unnecessarily and irrationally escalated to full-scale war leading to thousands of casualties and the suffering of so many. I say unnecessary because, as we, and I am sure Your Excellencies, have always believed, the border dispute between Eritrea and Ethiopia could be solved through peaceful and legal means; and irrational, because the use of force, as has been and is being attempted by the Ethiopian regime, can never lead to a solution.

Let me say at the outset that Eritrea highly appreciates the deep concern of the Security Council and the rest of the international community about the conflict as well as the efforts that have been and are being made by different parties for its peaceful resolution.

Allow me to present a synopsis of the genesis of the conflict, where we are now and what we believe needs to be done to curb Ethiopia's designs to continue its war of aggression and to move to the final settlement of the border on the basis of the OAU Framework.

It is known to the Council that Ethiopia has so loudly and persistently announced its "full acceptance" of this Framework which Eritrea did also, after considering the necessary clarifications from the OAU High-Level Delegation and making compromises to pave the way for its implementation, full-heartedly accept.

Eritrea has been consistent in its argument that the borders between Eritrea and Ethiopia were clearly delineated by duly signed treaties during the colonial period and remained unaltered until Ethiopia forcibly annexed Eritrea in 1962. Even after the illegal annexation, the borders of the annexed "province" of Eritrea remained the same during both the Haile Selassie and Mengistu regimes.

It is the pattern of expansionist and aggressive behaviour of the Ethiopian regime that is the root cause of the existing conflict, and it is the proper understanding of the measures Ethiopia has taken that expose this behaviour, we strongly believe, that can lead to a correct, just and legal approach to end the conflict and settle the dispute peacefully.

International law clearly states that every State has an obligation to respect the territorial integrity and sovereign independence of every other State. The United Nations Charter, Article 2, paragraph 4, states that: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations."

The actions that Ethiopia undertook prior to May 1998 to attempt to alter or undermine Eritrea's borders were illegal aggression, and illegal aggression cannot be the basis for acquisition of territory. Ethiopia's pattern of behaviour over recent years indeed shows a spiral of increasing disregard for Eritrea's inherited boundary. It presents a classic case of aggression under accepted definitions of international law.

1. Ethiopia's attack in Bada

In August 1997, Ethiopian troops illegally entered Adi Murug in the Bada area of Eritrea. That this was an illegal incursion was undeniable, and Ethiopia did not attempt to justify the incursion by denying Eritrean sovereignty over the area. Instead, Ethiopia explained that it had been pursuing rebel forces that fled Ethiopia and took refuge in Eritrea. Nonetheless, while present in Eritrea, the Ethiopian military dismantled Eritrea's governmental presence and administration in order to set up an administration of its own.

Under the United Nations General Assembly's Definition of Aggression (1974), this incursion clearly constituted illegal aggression. Article 3 states:

> "Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:
>
> (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State of part thereof."

The Definition of Aggression not only identifies the Ethiopian behaviour of 1997 as aggression, it also clearly provides that such aggressive activities cannot constitute the basis for any "territorial acquisition or special advantage" in the territory occupied. According to Article 3, "No territorial acquisition or special advantage resulting from aggression shall be recognized as lawful."

As with all of Ethiopia's other illegal military activities on Eritrean soil, Ethiopia cannot have obtained any vested rights in military incursions that were intrinsically illegal.

2. Ethiopia's encroachment in Badme

Starting in mid-1997, Ethiopia also directly initiated efforts to alter the international border on the ground in the Badme region. As is well known, Ethiopian officials operating in the area around Badme commenced a programme of placement of piles of rocks in an effort to establish a new international border. In certain cases, Ethiopia was not satisfied with the scope of its

initial incursion into Eritrean territory and came back a second or third time to move the rock markers to try to encroach even further into Eritrean territory.

Such efforts clearly violate international law, which requires respect for the existing international boundaries of a State. The United Nations General Assembly's Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations states that "Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country", and that "the territorial integrity and political independence of the State are inviolable".

3. Ethiopia's unilateral issuance of maps incorporating Eritrean territory into Tigray

In 1997, Ethiopia issued a map that purported to claim large portions of Eritrean territory. Entitled "Political Map of Tigray", it was prepared by the Planning and Economic Development Bureau, Physical Planning Department. The title of the newspaper article containing this map was "New Map of our Administrative Zone Prepared". According to the text of the article, "the map defines the new boundaries of Tigray with other countries and with Administrative Zones in Ethiopia". It was said to be the result of three years of research and to have been approved by the Central Mapping Authority in Addis Ababa. Comparison with standard administrative maps of Ethiopia shows that the changes effected by this new map were quite substantial.

Ethiopia obviously knew that the map was a "new" one which altered the traditional borders, but it made no effort to justify or explain this unilateral incorporation of Eritrean territory. It did not state what facts or legal arguments turned up in the "three years of research" that might have led it to think that it had the power to unilaterally define "the new boundaries of Tigray with other countries". Or to draw the line in the location that it did. To this day, it is simply unclear what Ethiopia thinks that it has a right to. Although asked many times, it refuses to say.

While Ethiopia refuses to state the extent or the basis of its territorial claims, it can hardly be doubted that this map was intended to be an early step in a campaign to acquire portions of Eritrean territory. Such efforts to acquire territory on the other side of an existing international boundary are, as stated above in 2, illegal under international law.

4. Ethiopia's attack on Eritrean officials in Badme on 6 May 1998

Ethiopia's efforts to redraw the international boundary in Badme culminated in its attack of 6 May 1998. On that date, about 60 Ethiopian army troops completely encircled a group of 10 Eritrean officers who were present in the Badme region and opened fire. Four were killed and three wounded. This initial attack further led to spiralling clashes in the subsequent days, with both sides

bringing in reinforcements and a final showdown on 12 May 1998 in which Ethiopian troops were driven out of Badme.

Eritrea's reaction to this completely unjustified attack presents a classic case of self-defence under international law. Article 51 of the United Nations Charter states clearly that every State has an "inherent" right of self-defence against armed attack: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security."

5. Ethiopia's declaration of war

Ethiopia subsequently declared war on Eritrea on 13 May 1998. And, on 4 June, the Ethiopian Prime Minister ordered the Ethiopian Military to implement this declaration of war. The following morning, Ethiopian forces attacked Eritrea throughout the common border, and at 2:10 p.m. the same day, the Ethiopian air force bombed the capital city of Eritrea.

Eritrea's constant and consistent calls for cessation of hostilities, the demilitarization of the entire border, the deployment of neutral monitoring forces and the speedy demarcation of the border continued to be ignored by Ethiopia.

6. Ethiopia's all-out attack on 6 February 1999

In early February 1999, Ethiopia launched an all-out offensive against Eritrea. The supposed justification was an air raid that (according to Ethiopia) had taken place in Adigrat on 5 February. Several independent sources confirmed Eritrea's official statement that no such air raid had ever taken place. However, Ethiopia continues to cite this supposed "air raid" as the rationalization for its all-out war. In mounting this attack since 6 February, Ethiopia has violated the United States-brokered moratorium on air strikes and has bombed civilians fleeing northward into Eritrea from areas near the border. Eritrea has not violated the moratorium, even in the face of Ethiopia's illegal bombing of its territory.

In the months leading up to the February attack, Ethiopia had engaged in full-scale build-up of troops and armaments at several places along the border. Ethiopia had also issued continuous threats to Eritrea that it would "teach Eritrea a lesson", that it would replace or overthrow the current Government of Eritrea, and so forth. Among its other violations of international law are its deportation of over 54,000 persons of Eritrean family origin, the internment without trial of unknown number of persons in Ethiopian prison camps, and the 9 February forced entry into, ransacking and continued occupation of the Eritrean Embassy residence in Addis Ababa.

It is evident from the series of measures briefed above that the Ethiopian regime had violated Eritrean sovereignty and territorial integrity through illegal acts of aggression prior to 6 May 1998, not to mention its subsequent

acts of aggression. From the start of discussions with the OAU, these developments, along with evidence of where the border lay and that we remained inside our territory, were brought before the OAU High-Level Delegation. We consistently argued, and rightly so, that illegal aggression cannot be the basis for acquisition of territory, and for this reason, any proposal that takes May 1998 as the relevant "status quo ante" rewards Ethiopia's illegal efforts to undermine the existing international border in place between Eritrea and the Tigray state of Ethiopia, and is a violation of international law. If measures taken on the ground needed to be reversed, they were the illegal, aggressive measures taken by the Ethiopian Government to forcibly alter the established border between the two countries and not the legitimate measures taken by Eritrea to defend its sovereignty.

When the OAU finally came up with its proposed Framework Agreement for a peaceful solution at the Summit of the High-Level Delegation in Ouagadougou in November last year, Eritrea expressed its positive stance considering the Framework as a basis for discussions that would lead to an agreement acceptable to both parties. In this spirit, Eritrea invited the OAU Secretary-General for consultations to Asmara on 12 December 1998, and submitted a list of queries on which it sought clarifications prior to its full acceptance of the Framework Agreement. Eritrea hoped that the clarifications would be given prior to the Summit of the Central Organ which was then scheduled for 17-18 December. Unfortunately, and for reasons that are better explained by the OAU High-Level Delegation, this did not happen as expected. While noting the respective positions of both countries, the Central Organ endorsed the Framework Agreement and called on both sides to cooperate with the High-Level Delegation.

The written clarifications were provided to Eritrea on 26 January 1999. But before Eritrea could digest the clarifications to give its considered response, Ethiopia launched yet another offensive against Eritrea on 6 February 1999. This was in clear contravention of the OAU's repeated calls for both sides to observe maximum restraint and continue to uphold the de facto cessation of hostilities which was, indeed, a primary element in the Framework Agreement in order to pave the way for a final solution on the basis of the demarcation of the boundary.

Eritrea accepted the proposed Framework as a compromise, as a measure of "goodwill", as requested by the OAU delegation, to stop further bloodshed and expedite the demarcation of the border. Eritrea did so because it was led to believe that the proposal and written clarifications that were provided by the OAU High-Level Delegation, which were known to Ethiopia, were "fully accepted" by Ethiopia as well. That is what the OAU and the Security Council led us to believe Ethiopia had done and urged us to do likewise in the interest of peace. And that is what we did.

How could these very bodies now fail to condemn the Ethiopian regime when it reverses its position and presents a new and totally unacceptable condition not only to ensure its illegal occupation of Eritrean territory, but also to provide itself a smoke screen to continue its war for wider agendas against Eritrean sovereignty? How far is Ethiopia to be appeased to move the goalpost of its aggressive demands further and further as we are required to make unjustified compromises to accommodate its dictates?

For us, Ethiopia's designs and tactics are clear. The Ethiopian regime has made no secret of it. It intends to maintain its illegal control and take more of Eritrean territory by force, defeat the Eritrean army completely and replace the Eritrean Government by a puppet regime which will respond to its dictates. The Ethiopian regime has already formed such a "government in exile" from terrorist groups such as the Islamic Jihad in collaboration with the National Islamic Front Government of the Sudan.

I would like to conclude my remarks by reconfirming that Eritrea has always called for and is now ready for a ceasefire. It has likewise expressed its readiness for the immediate implementation of the OAU proposal which the Council has supported. Any attempt to revise that proposal which both have avowedly accepted, would lead to a total nullification of that proposal, thus postponing the demarcation of the border which alone can definitively settle the conflict. To reiterate our firm position, Eritrea has accepted the proposal to withdraw from its own territory in Badme and its immediate environs only as a "goodwill measure" not because of any other justification. If the Ethiopian regime insists on new conditions to persist on its warpath against Eritrean sovereignty, Eritrea has the responsibility, capacity and resolve to defend itself.

I thank you.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/304*
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 22 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached document which His Excellency Haile Weldensae, Minister of Foreign Affairs of the State of Eritrea, presented as a briefing statement to members of the Security Council this morning, 22 March 1999, under the "Arria Formula" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

* Reissued for technical reasons.

99-08829 (E) 260399

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Annex

Statement made on 22 March 1999 by the Minister for Foreign Affairs of Eritrea to members of the Security Council on the conflict between Eritrea and Ethiopia under the Arria Formula

It is indeed an honour for me to be given the opportunity to brief the Council on the border conflict between my country and Ethiopia which has unnecessarily and irrationally escalated to full-scale war leading to thousands of casualties and the suffering of so many. I say unnecessary because, as we, and I am sure Your Excellencies, have always believed, the border dispute between Eritrea and Ethiopia could be solved through peaceful and legal means; and irrational, because the use of force, as has been and is being attempted by the Ethiopian regime, can never lead to a solution.

Let me say at the outset that Eritrea highly appreciates the deep concern of the Security Council and the rest of the international community about the conflict as well as the efforts that have been and are being made by different parties for its peaceful resolution.

Allow me to present a synopsis of the genesis of the conflict, where we are now and what we believe needs to be done to curb Ethiopia's designs to continue its war of aggression and to move to the final settlement of the border on the basis of the OAU Framework.

It is known to the Council that Ethiopia has so loudly and persistently announced its "full acceptance" of this Framework which Eritrea did also, after considering the necessary clarifications from the OAU High-Level Delegation and making compromises to pave the way for its implementation, full-heartedly accept.

Eritrea has been consistent in its argument that the borders between Eritrea and Ethiopia were clearly delineated by duly signed treaties during the colonial period and remained unaltered until Ethiopia forcibly annexed Eritrea in 1962. Even after the illegal annexation, the borders of the annexed "province" of Eritrea remained the same during both the Haile Selassie and Mengistu regimes.

It is the pattern of expansionist and aggressive behaviour of the Ethiopian regime that is the root cause of the existing conflict, and it is the proper understanding of the measures Ethiopia has taken that expose this behaviour, we strongly believe, that can lead to a correct, just and legal approach to end the conflict and settle the dispute peacefully.

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Under the United Nations General Assembly's Definition of Aggression (1974), this incursion clearly constituted illegal aggression. Article 3 states:

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initial incursion into Eritrean territory and came back a second or third time to move the rock markers to try to encroach even further into Eritrean territory.

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5. Ethiopia's declaration of war

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Eritrea's constant and consistent calls for cessation of hostilities, the demilitarization of the entire border, the deployment of neutral monitoring forces and the speedy demarcation of the border continued to be ignored by Ethiopia.

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In early February 1999, Ethiopia launched an all-out offensive against Eritrea. The supposed justification was an air raid that (according to Ethiopia) had taken place in Adigrat on 5 February. Several independent sources confirmed Eritrea's official statement that no such air raid had ever taken place. However, Ethiopia continues to cite this supposed "air raid" as the rationalization for its all-out war. In mounting this attack since 6 February, Ethiopia has violated the United States-brokered moratorium on air strikes and has bombed civilians fleeing northward into Eritrea from areas near the border. Eritrea has not violated the moratorium, even in the face of Ethiopia's illegal bombing of its territory.

In the months leading up to the February attack, Ethiopia had engaged in full-scale build-up of troops and armaments at several places along the border. Ethiopia had also issued continuous threats to Eritrea that it would "teach Eritrea a lesson", that it would replace or overthrow the current Government of Eritrea, and so forth. Among its other violations of international law are its deportation of over 54,000 persons of Eritrean family origin, the internment without trial of unknown number of persons in Ethiopian prison camps, and the 9 February forced entry into, ransacking and continued occupation of the Eritrean Embassy residence in Addis Ababa.

It is evident from the series of measures briefed above that the Ethiopian regime had violated Eritrean sovereignty and territorial integrity through illegal acts of aggression prior to 6 May 1998, not to mention its subsequent

acts of aggression. From the start of discussions with the OAU, these developments, along with evidence of where the border lay and that we remained inside our territory, were brought before the OAU High-Level Delegation. We consistently argued, and rightly so, that illegal aggression cannot be the basis for acquisition of territory, and for this reason, any proposal that takes May 1998 as the relevant "status quo ante" rewards Ethiopia's illegal efforts to undermine the existing international border in place between Eritrea and the Tigray state of Ethiopia, and is a violation of international law. If measures taken on the ground needed to be reversed, they were the illegal, aggressive measures taken by the Ethiopian Government to forcibly alter the established border between the two countries and not the legitimate measures taken by Eritrea to defend its sovereignty.

When the OAU finally came up with its proposed Framework Agreement for a peaceful solution at the Summit of the High-Level Delegation in Ouagadougou in November last year, Eritrea expressed its positive stance considering the Framework as a basis for discussions that would lead to an agreement acceptable to both parties. In this spirit, Eritrea invited the OAU Secretary-General for consultations to Asmara on 12 December 1998, and submitted a list of queries on which it sought clarifications prior to its full acceptance of the Framework Agreement. Eritrea hoped that the clarifications would be given prior to the Summit of the Central Organ which was then scheduled for 17-18 December. Unfortunately, and for reasons that are better explained by the OAU High-Level Delegation, this did not happen as expected. While noting the respective positions of both countries, the Central Organ endorsed the Framework Agreement and called on both sides to cooperate with the High-Level Delegation.

The written clarifications were provided to Eritrea on 26 January 1999. But before Eritrea could digest the clarifications to give its considered response, Ethiopia launched yet another offensive against Eritrea on 6 February 1999. This was in clear contravention of the OAU's repeated calls for both sides to observe maximum restraint and continue to uphold the de facto cessation of hostilities which was, indeed, a primary element in the Framework Agreement in order to pave the way for a final solution on the basis of the demarcation of the boundary.

Eritrea accepted the proposed Framework as a compromise, as a measure of "goodwill", as requested by the OAU delegation, to stop further bloodshed and expedite the demarcation of the border. Eritrea did so because it was led to believe that the proposal and written clarifications that were provided by the OAU High-Level Delegation, which were known to Ethiopia, were "fully accepted" by Ethiopia as well. That is what the OAU and the Security Council led us to believe Ethiopia had done and urged us to do likewise in the interest of peace. And that is what we did.

How could these very bodies now fail to condemn the Ethiopian regime when it reverses its position and presents a new and totally unacceptable condition not only to ensure its illegal occupation of Eritrean territory, but also to provide itself a smoke screen to continue its war for wider agendas against Eritrean sovereignty? How far is Ethiopia to be appeased to move the goalpost of its aggressive demands further and further as we are required to make unjustified compromises to accommodate its dictates?

For us, Ethiopia's designs and tactics are clear. The Ethiopian regime has made no secret of it. It intends to maintain its illegal control and take more of Eritrean territory by force, defeat the Eritrean army completely and replace the Eritrean Government by a puppet regime which will respond to its dictates. The Ethiopian regime has already formed such a "government in exile" from terrorist groups such as the Islamic Jihad in collaboration with the National Islamic Front Government of the Sudan.

I would like to conclude my remarks by reconfirming that Eritrea has always called for and is now ready for a ceasefire. It has likewise expressed its readiness for the immediate implementation of the OAU proposal which the Council has supported. Any attempt to revise that proposal which both have avowedly accepted, would lead to a total nullification of that proposal, thus postponing the demarcation of the border which alone can definitively settle the conflict. To reiterate our firm position, Eritrea has accepted the proposal to withdraw from its own territory in Badme and its immediate environs only as a "goodwill measure" not because of any other justification. If the Ethiopian regime insists on new conditions to persist on its warpath against Eritrean sovereignty, Eritrea has the responsibility, capacity and resolve to defend itself.

I thank you.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/305
22 March 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 22 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of section (a) of that part of the press release issued following the seventieth session of the Ministerial Council of the Gulf Cooperation Council, held on 14 and 15 March 1999 in Riyadh, Saudi Arabia, that concerns the occupation by the Islamic Republic of Iran of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

99-08003 (E) 230399 230399

Annex

Excerpt from the press release issued in Riyadh on 15 March 1999 following the seventieth session of the Ministerial Council of the Gulf Cooperation Council (GCC)

The occupation of the three islands belonging to the United Arab Emirates, and relations with Iran

(a) The occupation of the three islands belonging to the United Arab Emirates

The Ministerial Council reviewed developments with regard to the issue of Iran's occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, islands that belong to the United Arab Emirates. Noting that Iran was continuing to make unacceptable claims concerning the islands, that it had conducted provocative military exercises in the territorial waters of the United Arab Emirates and that it had opened a building for an Iranian municipality and an educational complex on Abu Musa with a view to perpetuating the occupation and imposing a fait accompli, the Council renewed its affirmation that it is important for the Islamic Republic of Iran to translate its declared desire, under President Mohammad Khatami, to improve its relations with the GCC member States into practical and concrete measures, in both word and deed. It should do this by responding candidly to the earnest and sincere calls issued by His Highness Sheikh Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates, by the GCC member States, by the Damascus Declaration countries, by the League of Arab States, by regional and international organizations and by the Secretary-General of the United Nations for a peaceful settlement to the dispute over the three islands, in accordance with the relevant conventions and covenants and the norms of international law, to be reached through direct negotiations or by referral to the International Court of Justice as the instrument for the peaceful settlement of disputes between States. This is the way to build confidence and strengthen security and stability in the region.

In this connection, the Council reaffirmed the sovereignty of the United Arab Emirates over its three islands, the Greater Tunb, the Lesser Tunb and Abu Musa, and reiterated its unconditional support for all the peaceful measures the United Arab Emirates is taking to restore its sovereignty over the islands. The Council again urged the Iranian Government to end its occupation of the islands, to desist from pursuing a policy of imposing faits accomplis by force, to cease the construction of Iranian installations on the islands for the purpose of altering their demographic composition, to rescind all unilateral measures taken in the past and remove all of the installations built and to resolve the dispute by peaceful means in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice.

Recalling the communiqué adopted at its twenty-third special session on 4 March 1999 concerning the Iranian military exercises on the occupied islands belonging to the United Arab Emirates and in its territorial waters, the Council urges Iran to desist from acts of provocation that constitute a flagrant

violation of the sovereignty of the United Arab Emirates, pose a grave threat to security and stability in the region and are endangering intraregional and international shipping in the Arabian Gulf.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/306
22 March 1999

ORIGINAL: ENGLISH

LETTER DATED 22 MARCH 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a letter dated 19 March 1999 addressed to me by the Ambassador and Permanent Representative of Zambia, Peter L. Kasanda, on the subject of sanctions imposed against the União Nacional para a Independência Total de Angola (UNITA). The Permanent Representative has requested that the letter be circulated as a document of the Security Council. I would be grateful if this would be done.

(Signed) Robert R. FOWLER
Chairman
Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

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Annex

Letter dated 19 March 1999 from the Permanent Representative of Zambia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

Zambia's response to Angolan accusations against Zambia, contained in an Angolan memorandum dated 4 February and in document S/1999/267 of 11 March 1999

As you will recall, in its memorandum of 4 February 1999, the Government of Angola accused Zambia of allegedly assisting the União Nacional para a Independência Total de Angola (UNITA) in violation of Council resolution 864 (1993) concerning the situation in Angola. These allegations were also repeated in a letter dated 9 March, which the Permanent Representative of Angola to the United Nations addressed to you in your capacity as Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola.

I have the honour to inform you that the Government of Zambia has now finished its investigations of the said allegations and the results of its investigation are set out below. This rebuttal should be read alongside Angolan allegations as set out in the documents named above.

1. Direct support of the Government of Zambia and its intelligence services. The allegation lacks specificity concerning the kind of support given by the Government of Zambia. The Government of Zambia categorically denies any dealings whatsoever with UNITA.

2. Involvement of Zambian enterprises and individuals in the sale of lethal materials and foodstuffs to UNITA

(a) Zambezi Lodge Motel. The Zambezi Lodge motel is owned by the Zambezi District Council, but is leased to a private company called NN Air Services Ltd., which intends to turn it into a tourist resort. The lease is for a 10-year period starting in 1997. Our investigations have found no information linking NN Air Services of Zambia to dealings with UNITA using the motel. In 1998, the Government of Zambia rejected an application by the company to operate a direct air service between Zambezi in Zambia and South Africa in order to avoid possible abuse of Zambian territory;

(b) Zambezi Airstrip. No airstrip exists in Zambezi. What exists is an aerodrome, which is 1,100 metres long and 30 metres wide, where only light aircrafts can land. The aerodrome has not been renovated and has not been in use for a long time. There are no night landing facilities at the aerodrome. The aerodrome is administered subject to the normal civil aviation regulations that apply to all airstrips, aerodromes and airports in Zambia. The aerodrome is located in a residential area and is criss-crossed by paths that are frequently used by residents living in its vicinity. The aerodrome was inspected between March and May 1998 by the joint Zambia/Angola investigation

team, as well as by Njuguna Mahugu, the then Chairman of the United Nations Security Council sanctions committee on UNITA, and Daniel Antonio, the Organization of African Unity (OAU) Assistant Secretary-General. In February 1999 an OAU team led by Ahmed Haggag, Assistant Secretary-General, again inspected the aerodrome. In addition, a team of local foreign journalists visited the aerodrome in March 1999. All these teams found no evidence of use of this aerodrome as alleged;

(c) Personalities:

(i) Benjamin Yoram Mwila. He is a former Minister of Defence and currently Minister of Energy and Natural Resources. Our investigations have found no evidence to link him to the allegations;

(ii) Enock Kavindele. He is the former Minister of Commerce and Industry and an acquaintance of Jonas Savimbi, but our investigations have found no information suggesting that the relationship has been used in the provision of logistics or re-arming of UNITA;

(iii) Timi Green. He is a South African national who was arrested by Zambian authorities on 27 December 1996 for violation of Zambian airspace. Mr. Green jumped bail and ran back into South Africa soon afterwards;

(iv) Miro Goncalves. He is not known in Zambia. Angola is therefore requested to provide more detailed information;

(v) Mulyata of Solwezi. He is known. Angola is requested to provide more detailed information;

(vi) Tinsit Allain. He is not known. Angola is requested to provide more detailed information;

(vii) Paul Manneplavan. He was deported to India in November 1998, as soon as the Government of Zambia discovered that he had dealings in UNITA-controlled areas in violation of Security Council sanctions against UNITA. He used to cross into Angola without following Zambian immigration and customs regulations and conducted trade in foodstuffs in UNITA-controlled areas;

(d) The South African Company called METEX International. This Company was conclusively investigated in 1997 in connection with similar allegations. As a result of the investigations, the company and its officials were deported and its aircraft removed from Zambia in September 1997. Details of the results of the investigations and subsequent actions taken by the Government of Zambia were provided to the President of Angola on 25 September 1997 by a Special Envoy of the President of Zambia. Since then, this company has never operated in Zambia;

(e) Chani Enterprises, Ltd. Our investigations have found no evidence that this company has been transporting arms and ammunition for UNITA military forces.

3. Facilities for logistics supplies

(a) Mpolo Airport. It does not exist in Lusaka or anywhere else in Zambia;

(b) Mansa Airport. Our investigations have found no information that it has been used for the alleged activities. Records of landings and take-offs for the past year are available for inspection. The airport is small, constructed for light aircraft and does not cater to aircraft such as Boeing 707 or 737. Moreover there are no night landing facilities;

(c) Kasama Airport. This is a small provincial airport without night landing facilities. There is no information to suggest that the airport has been used for the alleged activities. Records are also available for inspection. Any aircraft flying from Kasama to Angola should inevitably pass through the airspace of the Democratic Republic of the Congo, which is monitored by the Government of the DRC;

(d) Mfuwe Airport. There is no information to link the airport to the alleged activities. Records are available for inspection;

(e) Storage of large quantities of fuel in Ndola. Zambia has no knowledge of this activity.

4. Alleged supply routes

(a) Zambia/Zambezi-Chingi on the Zambian side and Karipande on the Angolan side. This border post was inspected by the Zambia/Angola joint investigation team and by Ambassador Njuguna Mahugu, who satisfied themselves that the alleged activities were not taking place;

(b) Nguvu route and Like Harriet Nakazwe. Investigations so far have not yielded the identity of this person. The Government of Angola is requested to give more detailed information;

(c) Nyachikayi/Lutembwe-Cassessi/Chavuma-Karipande/Calombo-Chavuma/Dicolonga route in Kabompo district. There is contact by villagers in these areas who are, as a matter of fact, ethnically related, but this does not constitute support for UNITA. These contacts were witnessed by the officials mentioned above.

General comment

Almost all the places and areas mentioned are located along the long border Zambia shares with Angola. They are extremely remote, located in difficult terrain and have no infrastructure that can support the alleged activities.

5. Placement of Mr. Angelo Dembo, a UNITA official in Zambia to oversee supplies to UNITA. Mr. Dembo is not known to the Government of Zambia. Angola is requested to provide more detailed information.

6. Visit to Zambia by a UNITA delegation comprising four Generals and contact with leaders of the Movement for Multi-Party Democracy under the protection of the intelligence services between 5 and 11 September 1998. No such visit or contacts took place.

7. Movement of one hundred trucks loaded with supplies for UNITA left Kitwe and penetrated Angola at Nangweshi Caungamaxi on the banks of the Kubango River. There was no such movement. The route is almost impassable. However, during the same period, Zambia facilitated the movement of military trucks procured by the Government of the Democratic Republic of the Congo from the Port of Dar-es-Salaam through the Nakonde border post to the Kasumbalesa border post in the Democratic Republic of the Congo. This movement occurred far from the border with Angola.

8. Aircraft

(a) C-130, registration number 9J-AFU. An identical aircraft, but bearing a different registration number (9J-AFV) operated in Zambia from 1996 to 1997. The aircraft was brought to Zambia by Chani Enterprises Ltd., a private Zambian company. The Federal Aviation Authority of the United States of America, which was where the aircraft was purchased, warned Zambia against using the military craft for civilian purposes before modifications. The Zambia Department of Civil Aviation, in turn, advised Chani Enterprises to effect the modifications, but Chani Enterprises opted to sell the aircraft to Belkas Company of Portugal rather than carry out the modifications. The aircraft was de-registered in Zambia in November 1997. According to information available to Zambia, the new owners of the aircraft are now operating it in Cape Verde;

(b) Boeing 707. Investigations have established that Aero Zambia, a private aviation company registered in Zambia, leased the Boeing 707, a cargo plane, from Kenya in 1997 and took it to South Africa, where it was painted in Aero Zambia colours, before the Zambian Department of Civil Aviation could grant a license for its operation in Zambia. This aircraft has not operated in Zambia. Our investigations have revealed that the aircraft started operating in the region using South Africa as its base. Zambia did not have knowledge of, nor did it grant authority for, these flights;

Boeing 737. Aero Zambia operates a Boeing 737 aircraft registered in Zambia. At the moment, the company has no scheduled flights to any destination in Angola. Zambia has no information linking this aircraft to the allegations.

9. Lopes Baptista. This matter was investigated, and it was found that Mr. Baptista had engaged in cross-border trade into Angola involving foodstuffs, bypassing immigration and customs regulations. He was deported from Zambia to South Africa on 7 February 1999. Of the vehicles mentioned in the memorandum, none of them bears Zambian registration and none was established as belonging to Mr. Baptista.

I request you to circulate this letter as a document of the Security Council.

(Signed) Peter L. KASANDA
Ambassador
Permanent Representative

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Security Council

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S/1999/307
22 March 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1228 (1999) of 11 February 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 March 1999 and requested me to report to it by 22 March 1999 on the implementation of that resolution. The report covers developments since my previous report to the Security Council dated 28 January 1999 (S/1999/88).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Consultations with the parties

2. As outlined in my report of 11 December 1998 (S/1998/1160), the key provisions of the United Nations package, designed to accelerate the referendum process and presented to the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), in October 1998, were as follows: the initiation of the appeals process for already identified applicants at the same time as the identification of remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually; the effective formalization of the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Territory to allow the necessary preparation for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families; and a revised schedule, under which the transitional period would start in June-July 1999 and the referendum would be held in December 1999.

3. As also described in my 11 December report, the measures to be taken by MINURSO with the cooperation of the parties were detailed in a set of documents, which included a protocol on the identification of those remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually, a protocol on the appeals process, a memorandum on the activities of UNHCR in the region and a calendar outlining the next implementation stages of the United Nations Settlement Plan (see S/21360 and S/22464 and Corr.1).

4. During my visit to the region in late 1998, the Frente POLISARIO formally accepted the package of measures. For its part, Morocco expressed concerns and sought clarification about the key provisions of the United Nations package. Several rounds of consultations between the United Nations and the Moroccan authorities were subsequently held in Rabat and in New York, for an exchange of views and clarification concerning the key provisions of the package and the modalities contained in the draft protocols on the identification and appeals procedures. In the meantime, the mandate of MINURSO was extended until 31 January 1999 and again until 31 March 1999, in the expectation that agreement would be reached on the various protocols and the implementation calendar without undermining the integrity of the package and that the Mission could proceed with the identification and appeals operations promptly.

5. During the reporting period, my Special Representative, Charles F. Dunbar, the Chairman of the Identification Commission, Robin Kinloch, and other Commission officers continued discussions on the package with the Minister of the Interior, Driss Basri, and other Moroccan officials from the Ministries of the Interior and for Foreign Affairs in Rabat, from 4 to 6 February and from 17 to 19 February 1999. In the course of those discussions, each side provided the other with further clarification of its view of how the package of measures should be applied.

6. On 25 and 26 February 1999, a delegation from Rabat visited United Nations Headquarters for further consultations with the Secretariat on the package and identification and appeals protocols. Following those exchanges, on 3 March, the Secretariat communicated to the Government of Morocco in summary form the elements of the package that were essential to the preservation of its essence. On 7 March, the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, continued those discussions with Minister Basri at a meeting held in Paris. On 22 March, the Permanent Representative of Morocco communicated in writing that his Government accepted, in principle, the proposed package on the understanding that, as described in paragraph 8 below, certain amendments would be incorporated in the identification and appeals protocols and that operational directives, together with a revised timetable, would be provided by MINURSO to the parties. The United Nations also held informal consultations on developments related to the package with the Frente POLISARIO, both in Tindouf and in New York.

7. During those discussions, the Moroccan authorities acknowledged the pertinence of the explanations given by the United Nations, which underlined the need to uphold the authority of the Identification Commission, to avoid a repetition of the identification exercise at the appeals hearings, while preserving the rights of every applicant, and, at the same time, to complete the identification and appeals operations within a reasonable and credible time-frame. On that basis, the Moroccan authorities asked that the modalities for organizing the identification and appeals be consistent with the objective of holding the referendum by March 2000. They also asked, in this context, that the appeals procedure be launched no later than one month after the date of resumption of identification and that the provisional list of potential voters, from among the applicants identified thus far, be published on that date. The protocols and timetable would have to be adjusted accordingly.

8. To facilitate its future work and ensure its full responsibility, MINURSO expects to provide to the parties, at the end of March 1999, revised texts of the identification and appeals protocols which would incorporate necessary amendments, including revised dates. MINURSO will provide to the parties at the same time detailed operational directives and a revised timetable for the implementation of those protocols. Given the commitment of both parties to respect the essence of the package of measures, I trust that the operations can be conducted in strict conformity with the principles of equity on which the package is based. I am also hopeful that the time required for their completion will be reasonable.

9. The activities of the Identification Commission during February and March 1999 have been limited to support for and participation in the consultations with the Moroccan authorities and the preparation of contingency plans for the resumption of operations. The strength of the Commission was thus maintained at the reduced level of 30 personnel during that period, pending the outcome of the consultations. It is envisaged that the re-engagement of the Commission personnel released in December 1998 and the recruitment of any additional staff needed for the resumption of identification and the start of appeals will take place once the revised identification and appeals protocols and the operational directives for their implementation have been agreed upon with the parties. A further review of staffing requirements will be made at the end of March 1999 in the light of prospects at that time.

10. On 31 March 1999, my Special Representative's previously agreed term of service will come to an end, and I have accepted his resignation effective that date. I am grateful to him for the considerable efforts he has devoted to the cause of peace in Western Sahara, and pay him tribute for the leadership he has displayed and for the outstanding dedication and professionalism with which he has undertaken this difficult mission.

B. Military aspects

11. As at 15 March 1999, the strength of the military component of MINURSO stood at 230 all ranks (see annex). Under the command of Major-General Bernd S. Lubenik (Austria), the MINURSO military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

12. The status-of-forces agreement between the United Nations and Morocco was signed on 11 February 1999. With regard to paragraph 42 of the agreement, which contains provisions on the carriage of weapons, an arrangement between MINURSO and the Moroccan authorities detailing the implementation of those provisions is expected to be elaborated in the near future.

13. MINURSO initiated efforts with both parties to mark and destroy mines and unexploded ordnance in the mission area. A coordination meeting between MINURSO and the Royal Moroccan Army, held in Agadir on 11 and 12 March 1999, resulted in the signing of a military agreement which will allow for the exchange of

information about all previously identified mines and unexploded ordnance in the areas west and north of the defensive sand-wall (berm) and their step-by-step destruction by the Royal Moroccan Army, as well as about any incidents involving mines and unexploded ordnance. While it has provided cooperation on the ground with respect to the issue, the Frente POLISARIO has not yet responded to the Force Commander's offer to engage in a similar effort to reduce the danger of existing mines and unexploded ordnance east of the berm. Those efforts should not be considered a substitute for the necessary deployment of a demining unit in due course to complete the Mission's mine-related tasks, in particular those required under the repatriation programme for Saharan refugees who are eligible to vote, and their immediate families.

14. During the reporting period, the repatriation of the MINURSO engineering support unit from Pakistan was completed, with the outstanding logistic support and assistance of the Royal Moroccan Army.

15. Around 25 February 1999, communications equipment was stolen from a MINURSO station east of the berm. The Mission conducted an inquiry but was unable to collect any information that might have led to the recovery of the equipment. The Force Commander is awaiting a reply from the Frente POLISARIO to his request that it conduct an investigation and assist in the recovery of the United Nations property.

C. Civilian police aspects

16. The strength of the civilian police component of MINURSO stands at 26, of an authorized establishment of 81 officers, under the command of Acting Commissioner, Assistant Commandant Sunil Roy (India). Two civilian police officers will complete their tour of duty before the end of March. Their replacement will be put on hold, pending a decision by the Security Council on the resumption of the identification process and the start of the appeals procedures.

17. The civilian police component continues to perform security duties, guarding the Identification Commission files at Laayoune and Tindouf and working on repatriation logistics plans and related issues.

D. Preparatory work for the repatriation of Saharan refugees

18. The status of UNHCR in the Western Saharan Territory was formalized by the Government of Morocco in January 1999, and UNHCR moved into its new office premises in Laayoune in March 1999. UNHCR had brief meetings on 18 and 23 January 1999 with the Ministry of the Interior in Rabat to discuss issues related to its activities under the United Nations Settlement Plan. The Government of Morocco indicated that preparatory activities by UNHCR for repatriation that were other than technical should await the signature of the refugee repatriation protocol and, in the meantime, UNHCR could proceed with activities of a purely technical nature. The commencement of those activities was the subject of discussions between UNHCR and its counterparts designated by the Government of Morocco, held at Rabat on 25 January 1999 and at Laayoune on

29 January and 23 February 1999. As agreed in the last meeting, UNHCR submitted on 5 March 1999 a written proposal for a joint reconnaissance of the repatriation routes in the Territory, and it hopes to start that activity upon receipt of a positive response to its proposal.

19. UNHCR continues to maintain an active presence in the Tindouf refugee camps and to conduct regular visits in order to better understand the needs of the refugees and consolidate the confidence gained over the years. UNHCR is also enhancing its coordination role in the Tindouf camps with various non-governmental agencies and implementing partners to jointly identify refugee assistance requirements in the various sectors and better target assistance in the camps and planning for repatriation.

20. However, UNHCR is unable to resume the pre-registration exercise in the remaining two refugee camps in Tindouf, since the Frente POLISARIO maintains its earlier position that the exercise remains subject to the implementation of the other measures in the package of proposals. Given the importance of the finalization of the pre-registration exercise for UNHCR to complete its preparatory work, it is hoped that it can be resumed as soon as possible.

21. With respect to the draft refugee repatriation protocol, discussions with Morocco are to be conducted with the Ministry for Foreign Affairs within the context of a working group. UNHCR hopes that these discussions with the Moroccan authorities will be held as soon as possible. Revised texts of the draft protocol were submitted to the United Nations by the Frente POLISARIO and the Government of Algeria on 12 January 1999. The United Nations intends to review and discuss the proposals shortly.

III. FINANCIAL ASPECTS

22. As indicated in my previous report to the Security Council, the General Assembly, by its resolution 53/18 of 2 November 1998, appropriated an additional amount of $37.3 million, equivalent to some $4.7 million per month, for the maintenance of MINURSO for the period from 1 November 1998 to 30 June 1999. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 29 below, the cost of maintaining the Mission during the extension period would be within the monthly rate approved by the General Assembly.

23. As at 15 March 1999, unpaid assessed contributions to the MINURSO special account amounted to $63.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,599.6 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

24. I trust that the clarifications and explanations provided by the United Nations to the Moroccan authorities since my last report (S/1999/88) will allow the process to go ahead without further delay. In this context, I welcome once again the prompt response by the Frente POLISARIO in favour of the package, conveyed to me in November 1998. I am also encouraged by the letter received on

22 March 1999 from the Permanent Representative of Morocco to the United Nations communicating his Government's agreement in principle.

25. As indicated in paragraph 8 above, the identification and appeals protocols will be adjusted in order to take into account necessary revisions. Operational directives are also being prepared by the Identification Commission to ensure the transparency and common understanding of its work and of the identification and appeals procedures. I am hopeful that, once discussed and reviewed with the two parties in the coming days, the revised protocols and operational directives, which should not compromise the essence of the package, will receive their prompt concurrence. I intend to apprise the Security Council of the latest developments with respect to those matters prior to the expiration of the mandate of MINURSO on 31 March 1999.

26. With respect to the military aspects of the work of MINURSO, I welcome the signature by the Government of Morocco and the MINURSO Force Commander of the agreement on mines and unexploded ordnance mentioned in paragraph 13 above. MINURSO is engaged in efforts to reach a similar agreement promptly with the Frente POLISARIO, so that the danger to the civilian population represented by these mines and ordnance can be reduced and eventually eliminated.

27. Progress has been made by UNHCR in establishing itself in the Territory and in preparing the ground for the start of substantive work that would enable it to complete its preparatory work and maintain its efforts towards preparedness for the repatriation of Saharan refugees. All parties concerned must move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of the refugees may begin. In the hope that the package of measures may now be closer to being put into full effect, I call upon the Frente POLISARIO promptly to allow the resumption of the work of pre-registration of refugees living in the Tindouf camps.

28. In the light of the resignation of my Special Representative, and pending the Security Council's decisions regarding the future status of MINURSO, I have designated Robin Kinloch, Chairman of the Identification Commission, as Acting Special Representative, with immediate effect. In that capacity, Mr. Kinloch will be able to continue his consultations with the parties with a view to implementing the United Nations package of measures.

29. In the light of the foregoing, I recommend that the mandate of MINURSO be extended until 30 April 1999. I hope that such an extension will provide sufficient time for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule. It is also my hope that by that time, it will be possible to assess with greater precision the prospects for implementing these activities within a reasonable period of time, and in a manner that would preserve the essence of the package of measures. I expect the full cooperation of the parties towards the achievement of these objectives.

Annex

United Nations Mission for the Referendum in Western Sahara
Contributions as at 15 March 1999

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria[a]	5	-	-	-	5
Bangladesh	6	-	-	-	6
Canada	-	-	-	2	2
China	15	-	-	-	15
Egypt	19	-	-	1	20
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	1	14
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	-	13
Nigeria	5	-	-	-	5
Norway	-	-	-	2	2
Pakistan	5	2	-	9	16
Poland	3	-	-	-	3
Portugal	2	-	-	1	3
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	200	2	27	26	255

[a] In addition to the Force Commander.

Map No. 3831 Rev. 22 UNITED NATIONS
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Cartographic Section